

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:10CR3104
)	
v.)	
)	MEMORANDUM AND ORDER
ALEJANDRO ARTEMIO ALCALA,)	
)	
Defendant.)	

The defendant has moved to continue the trial currently set for December 20, 2010. Filing No. 29. The defendant has recently retained Bruce Teichman as counsel, and defendant's retained counsel needs additional time to prepare for trial. The government does not oppose the requested continuance.

Since the defendant's motion did not state how much additional time was needed for trial preparation, after conferring with counsel to determine availability, a telephonic conference was scheduled to discuss the trial date. The court placed the call at the scheduled date and time. Mr. Teichman did not answer. A message was left asking Mr. Teichman to contact the court. The government suggested a thirty-day continuance, but when Mr. Teichman contacted the court, he requested a trial date for the first week of February. The government has no objection to that request.

Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (filing no. 29), is granted.
- 2) The trial of this case is set to commence at 9:00 a.m. on January 31, 2011 for a duration of four trial days. Jury selection will be at the commencement of trial.

- 3) The Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the time between today's date and January 31, 2011 shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7)(A).

DATED this 14th day of December, 2010.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge